

1999 State TRI Program Assessment

Summary

The Toxic Release Inventory (TRI) Project of the Forum on State and Tribal Toxics Action (FOSTTA) conducts an assessment on how states use the Toxic Release Inventory annually. This survey is one measure senior state TRI staff and U.S. EPA staff use to improve the overall effectiveness of the inventory.

Purpose of the assessment

The TRI project with staff assistance from the National Conference of State Legislatures (NCSL), obtains feedback on TRI from the State Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313 Coordinators. This assessment is designed to:

- Give EPA and others information on TRI data use and assistance capabilities for the states.
- Help EPA better respond to requests for TRI data use assistance. With this assessment data, EPA is better able to direct callers to those state agencies that handle state specific requests for information.

Overall, the information contained in this summary will enable EPA and the states to understand how TRI is used in the states and territories. With this information, EPA and the states can better serve the public by helping them to more efficiently gain access to, understand and use the TRI.

This summary includes highlights of the assessment, comparison information of this assessment to assessments from previous years, an analysis of the survey response data and a listing of the state section 313 contact and EPA regional office TRI contacts.

General Assessment Findings

The 1999 assessment was completed by 49 states from December 1999-February 2000. The Christmas holidays and compressed work schedules may account for some of the answers that appear to be inconsistent with those of 1998. There were fewer comments than in 1998 and an overall increase in the number of “no response/not applicable”. The assessment is divided into four sections: General TRI Information; Computerized TRI; State Compliance and Enforcement Questions; and Program Questions. There were no new questions added for 1999.

General TRI Information

Answers to 19 questions were sought to better understand how states acquire, use and distribute TRI information. Overall, the types of information states provide to the public has varied slightly, but remains consistent with assessments from previous years. All 49 respondents answered the question with 92% of the states, as in 1998, indicating they provide copies of Form

Rs to the public—90% in 1996 and 98% in 1995. Compared with previous assessments, this inquiry reveals that states continue to provide the same type of information to the public: EPA TRI documents, copies of EPA state diskette, other state-produced TRI documents, and data runs/analysis. TRI public reading rooms increased slightly in availability to 35% in 1999 from 30% in 1998, 37% in 1996 and 24% in 1995.

The number of states that charge for TRI services has dropped. In both 1996 and 1995, 40% of the states assessed a charge while just 20% charge for information in 1998 to 18% in 1999. Many of the states assessing such a fee say they only charge for copies made. States indicate the most common groups to contact states for information include the media—35%, citizens—18%, public interest groups—29%, state government organizations—16% and industry 29%. The states continue to list outreach—65%, enforcement & compliance—22% and public access information and communication 20%, as the top three priorities for their TRI programs. The states' priority for outreach falls in line with how states use TRI information. Thirty five states (71% of the states responding) said identifying facilities for pollution prevention activities is one way the state uses TRI information as did 77% in 1998, 71% of the states in 1996 and 74% in 1995. Also among the top state uses for TRI information include emergency prevention planning—21 states, GIS or other mapping activities—23 states, and integrating the TRI with other databases—21 states. Colorado, Washington and Virginia integrate the TRI with a TIER II database while Oregon, New Jersey, and Virginia mention integrating it with part of their Community-Right-to-Know database.

States TRI programs still rely on computers to access TRI data. Most “often” states use the EPA annual public data release 10 states—“sometimes” they use Right-to Know Net – 28 states, EPA’s CD-ROM—“sometimes” by 21 states, and EPA’s TRI System (TRIS)—22 states – “sometimes”. Seventy-six percent of the states will accept either magnetic media or hard copy while just 70% accepted either in 1998.

Ninety- percent of the states—44 states—have access to the Internet while just 37% of the states responding say they have access to EPA’s bulletin boards through a modem. Over half the states say they go “on-line” to access the TRIS Envirofacts database, most of these states—65% use the standard query, while 37% of the states use customized queries. Few states—16% use the mapping function from the database. The lack of necessity and time are the greatest reasons states do not use the Envirofacts database. Most states, however, use EPA’s public data release data analysis at least “a little bit”—49%, while another 33% of the states say they use it “heavily.”

About three-fourths—37 states—of the states use EPA’s TRI World Wide Web page. Of those who have used EPA’s downloading service, most—55%—are downloading the Windows 95/NT software.

A seven-part question probed the states that accept electronic TRI submissions. Just 29% of the states responding say they use UTIL software for creating a master database of submissions received on diskette. Of the 24 states that responded most would like the UTIL software as soon as it is available or before the July reporting deadline. The states also offer several suggestions to increase the UTIL’s usefulness and how EPA could provide assistance in using the UTIL

software. For example: Georgia suggest including a counter so that as each disk is read there can be verification of its being added to the database; Michigan would like to see a display of street addresses during the data upload, Washington and Virginia would like a windows based program. Of the states that do not use the UTIL software system, most—33% use their state database to capture and store Form R and Form A information from electronic disk submissions. A few states—10% use Cameo software to capture and store the electronic information. Thirty-nine percent of the respondents would like to be able to download UTIL from the internet.

Computerized TRI

Nineteen questions are used in this section to learn more about the states' use of TRI on computer. Twenty nine states have a state TRI database. Twenty-five states—51% of the states with a database—enter their own data. As with past year's information, most—49% of the states responding—do not include all the data elements from the Form R in the state database. Instead, they focus on entering the facility name and address—21 states; names of the chemicals—19 states; the release quantities—19 states; transfer inquiries—19 states; and number of forms sent in by the facility—13 states. Fifty-five percent of the states download Form R revisions submitted by facilities into their database. Of those states, the majority makes the revisions upon request or monthly—the same as reported in previous years.

Almost half—24 states—use the TRI reporting software Automate Form R or Automated TRI Reporting Software to ease TRI reporting. Most states are able to make computerized state TRI information available within two to three months following the reporting deadline.

The assessment revealed that 49% of the states compare their EPCRA section 313 TRI data with EPA's TRI data for consistency—80% in 1998; 78% in 1996 and 73% in 1995.

TRI computerized information has not escaped the threat of Y2K (year 2000) computer problems. EPA's TRIS data structures have been changed to comply with Federal Y2K standards. Forty nine percent of the states responding maintain that their state system has been similarly modified. However, 29% don't know .

State Compliance and Enforcement Questions

Seven questions are used in this section to better understand state compliance and enforcement activities. To explain EPCRA section 313/TRI reporting requirements to industry, state community outreach programs rely on distributing materials (55% of responding states), training sessions (49%), and technical assistance (61%).

Thirty nine of the 49 respondents do not have EPCRA section 313 enforcement authority under state law. Therefore, 38 of the states responding (78%) do not conduct inspections of manufacturing facilities to determine compliance with EPCRA section 313 reporting requirements. Just three states—Ohio, Illinois and Massachusetts—report having enforcement cases in the past year. Delaware had one that was turned over to EPA.

Program Questions

The final 12 questions, 9 of them new questions, relate to administration of the program. The most dramatic changes are depicted in the funding for state TRI programs. In 1996, 17 states had funding levels between \$50,000 and \$200,000. The 1998 review notes a decline to 12 states within those funding levels. In 1999 there were 9 states at that level. Most states—32 show funding at less than \$50,000, about the same number of states as reported in the last two reports. The sources for much of this funding are from the state general fund, raised by fees, or provided from other funds. Forty-one percent of the states feel that their current level of financial support is inadequate to meet the general goal of Community Right-to-Know.

Twenty-three states had 1 FTE (full-time-equivalent) or less in their program. and 20 had one to two or more FTEs in their program. In addition, the number of states with 0 FTEs (counted in the less than 1) dropped from 12 states in 1995, 10 states in 1996 to just 8 states in 1998, and 4 states in 1999.

Fifteen states require Form R filers to pay a fee. The fee scales vary. Examples are: Arkansas with \$150 fee for the first chemical and \$24 for each additional chemical with a total of \$400 for each facility; Mississippi – fees based on the amounts released with credit given for recycling activities, and Nevada with a fee of \$500 for the form with a maximum of \$5,000 per facility per year.

The last four questions relate to the TRI office computer equipment. Forty-six states use IBM compatible computers (3 did not answer) with 26 states using Pentium computer processors. Most states—29 use the Windows 95 operating system. An additional 13 states use the Windows NT 4.0 operating system. Twenty-three states use the Novell network and 18 states use a Microsoft network.